

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 13, 14, 17, 18, 21, 25-27 and 31-34 are pending. Since no claims are added, amended or canceled, no claim listing is required under 37 CFR 1.121.

Allowed Claims

The allowance of claims 13, 14, 17, 18, 21, 25-27, 32 and 33 is noted and appreciated.

Claim Rejections – 35 USC 103

Claim 31 is rejected under 35 USC 103(a) as obvious over Nishimo (JP 401311744A) in view of Irube (US 6,377,818) and Rao (US 5,896,165). Claim 34 is rejected as obvious over Nishimo in view of Irube, Rao and Sato (JP 406296277). In response, applicant traverses and requests reconsideration of the rejections.

The Action asserts that Nishimo discloses all features of claim 31 except “mobile terminal functions for carrying out desired communications; including data type information which identifies telephone communication or visual telephone communication”. The Action further asserts that Irube discloses “mobile terminal functions for carrying out desired communications” and that Rao discloses a “method and system for video answering machine which teaches the following: including data type information which identifies telephone communication or visual telephone communication”. Applicant respectfully disagrees, especially with respect to Rao.

Claim 31 recites:

...receiving in-coming information including data type information which identifies telephone communication or visual telephone communication...

Rao is directed to a video answering machine. Rao's video answering machine does not receive data type information that permits a distinction to made

as to whether the communication type is a telephone communication or a visual telephone communication. Instead, Rao "determines what kind of device the incoming call is received from" (col. 2 lines 4-8). Therefore, Rao's device does not disclose or suggest the use of data type information, as defined by claim 31. Instead, Rao's device discloses the use of device type information.

Moreover, in Rao, it is not necessary to determine the data type. Rao relates to "...a method and item for providing video answering machine...for determining a device type...for responding to the incoming call using either the outgoing video message or the outgoing audio message in accordance with the associated device type..." (excerpted from Rao's Summary of Invention, col. 1, lines 18-30). Thus, Rao's video answering machine determines the device type of the caller in order to appropriately transmit either a recorded video message or a recorded audio message. The data type of the incoming call is not necessary or relevant to this determination.

Applicant further notes that the objectives of Rao differ from those of the present application. As recited in applicant's claim 31, an application program is activated in correspondence with data type information that is included in received in-coming information. Thus, an objective of applicant is to improve the convenience of the receiver, i.e., the terminal that receives the message from the caller. Rao's objective, by contrast, is to improve the convenience of the caller. In Rao, either a recorded video message or a recorded audio message is transmitted to the caller based on the caller's device type. These differing objectives are reflected by applicant's use of data type information, which allows convenience of the receiver to be improved, and Rao's use of device type information, which allows convenience of the caller to be improved.

Finally, it is not possible to achieve applicant's invention even if Rao is introduced. As described above, Rao determines the device type of the caller. However, a device type is not "data type information which identifies telephone

communication or visual telephone communication". This distinction has important consequences.

One consequence is that the machine of Rao cannot determine and activate the appropriate application program in correspondence with the received in-coming call, as is required by claim 31. For example, if a caller to Rao's video answering machine starts audio communication using a device that has a video function, Rao's machine will make the determination that the caller's device type is a video-capable device, but will not make the determination that the communication was nevertheless an audio communication. Therefore, if the application program is activated based on the device type, an inappropriate application program will be activated. Thus, even in view of Rao, there is still no teaching or suggestion by the cited references to activate an application program in correspondence with data type information that is included in the received in-coming information.

Since Nishimo, Irube and Rao do not teach or suggest each and every limitation of claim 31, claim 31 is not obvious over Nishimo, Irube and Rao. With respect to claim 34, which depends from claim 31, Sato does not remedy the deficiencies of these references. Therefore, claim 34 is allowable for the same reasons as claim 31. The rejections under 35 USC 103 should be withdrawn.

Conclusion

This application is believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration of this reply.

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Any fees due with this reply may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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